

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOSE RUIZ-VELASQUEZ,)
)
Defendant.)

CASE NO. CR06-50JCC

DETENTION ORDER

Offenses charged:

- Count 1: Conspiracy to Distribute Methamphetamine and Heroin, in violation of Title 21, U.S.C., Sections 841(a)(1), 841(b)(1)(A), and 846;
- Count 3: Distribution of Heroin, in violation of Title 21, U.S.C., Section 841(a)(1) and 841(b)(1)(C), and Title 18, U.S.C., Section 2;
- Count 4: Distribution of Methamphetamine, in violation of Title 21, U.S.C., Section 841(a)(1) and 841(b)(1)(C), and Title 18, U.S.C., Section 2;
- Count 5: Distribution of Heroin, in violation of Title 21, U.S.C., Section 841(a)(1) and 841(b)(1)(C), and Title 18, U.S.C., Section 2;
- Count 6: Distribution of Methamphetamine, in violation of Title 21, U.S.C., Section 841(a)(1) and 841(b)(1)(C), and Title 18, U.S.C., Section 2; and

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Count 7: Distribution of Heroin, in violation of Title 21, U.S.C., Section 841(a)(1) and 841(b)(1)(C), and Title 18, U.S.C., Section 2.

Date of Detention Hearing: September 26, 2006.

The Court, having conducted an uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Adam Cornell. The defendant was represented by John Crowley.

The defendant stipulates to detention, reserving the right to re-open the matter of detention at a later date.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) There is probable cause to believe the defendant committed the conspiracy drug offense. The maximum penalty is in excess of ten years. There is therefore a rebuttable presumption against the defendant's release based upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).
- (2) Nothing in this record satisfactorily rebuts the presumption against release. Using the factors below, under Title 18 § 3142 (g), the Court considered the following:
 - (a) The nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug;
 - (b) The weight of the evidence;
 - (c) The history and characteristics of the person; and
 - (d) Risk of danger to the community.


- 1 (3) The defendant does not contest detention.
- 2 (4) Based upon the foregoing information, it appears that there is no
- 3 condition or combination of conditions that would reasonably assure
- 4 future Court appearances and/or the safety of other persons or the
- 5 community.

6 **It is therefore ORDERED:**

- 7 (1) The defendant shall be detained pending trial and committed to the
- 8 custody of the Attorney General for confinement in a correction facility
- 9 separate, to the extent practicable, from persons awaiting or serving
- 10 sentences or being held in custody pending appeal;
- 11 (2) The defendant shall be afforded reasonable opportunity for private
- 12 consultation with counsel;
- 13 (3) On order of a court of the United States or on request of an attorney for
- 14 the Government, the person in charge of the corrections facility in which
- 15 the defendant is confined shall deliver the defendant to a United States
- 16 Marshal for the purpose of an appearance in connection with a court
- 17 proceeding; and
- 18 (4) The clerk shall direct copies of this order to counsel for the United
- 19 States, to counsel for the defendant, to the United States Marshal, and to
- 20 the United States Pretrial Services Officer.

21 DATED this 29th day of September, 2006.

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25 Monica J. Benton

26 U.S. Magistrate Judge